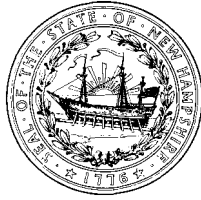


THE STATE OF NEW HAMPSHIRE



CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Graham J. Morrison  
Clifton C. Below

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland

**PUBLIC UTILITIES COMMISSION**

21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

May 3, 2006

To: All Parties

Re: DM 05-172 Investigation into Utility Poles

Attached please find revised Data Requests 4-4 and 4-5 for Topic 3 from Staff in the above referenced matter.

Pursuant to the procedural schedule established in Commission Order No. 24,587 of February 3, 2006, in this docket, the original data responses for Topic 3 are due on May 11, 2006. Responses to the attached revised requests will be due on May 18, 2006.

Objections to the Data Requests, if any, are due within 4 days of receipt of the requests; accordingly, objections are due on Tuesday, May 9, 2006. Copies of all response documents should be distributed to all parties listed on the discovery portion of the service list.

Thank you in advance for your attention in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Fabrizio".

Lynn Fabrizio  
Staff Attorney

Enclosures

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSISON  
STAFF DATA REQUESTS**

**DT 05-172**

**INVESTIGATION INTO UTILITY POLES**


**Now comes the Public Utilities Commission Staff and respectfully requests responses to the attached data requests in writing.**

**Pursuant to N.H. RSA 365:10, 365:14, 365:15 and 365:19, the Commission shall have the power to obtain data and documents necessary to the performance of its duties as they are prescribed by law.**

**You are hereby requested to supply the Commission with the data and/or documents delineated in the attached data requests. If you are unable or unwilling to produce a response to a particular request, you must nonetheless provide a written response and state the basis for the inability or unwillingness to furnish the requested information. RSA 365:12 provides that willful failure to comply with this request will subject you to contempt proceedings in Superior Court pursuant to N.H. RSA 491:19 and 491:20.**

**If you seek confidential treatment of any response, please make your request and state your justification for confidential treatment in writing, in accordance with RSA 378:43, II for telecommunications utilities and RSA 91-A:5, IV for all other parties.**

**Respectfully,**

  
**Lynn Fabrizio**  
**Staff Attorney**

**Dated: 05/03/06**

## **DATA REQUESTS OF N.H. PUBLIC UTILITIES COMMISSION STAFF**

### **INSTRUCTIONS**

- 1. All responses to the attached discovery requests shall be made in writing.**
- 2. For the purposes of these requests, “document” as used herein, is defined as any writing of every kind in the possession, custody or control of the Company, including but not limited to letter, facsimiles, minutes and records of meetings, memoranda, reports, notes, maps, recordings, transcripts, records of telephone or other communications, vouchers, and other accounting records, lists, engineering studies, rate studies, and economic studies, computer files.**
- 3. For each response, please identify the individual responsible for the information provided.**
- 4. Please start each response on a separate page.**
- 5. If the Company has no “document” (study, report, etc.) which is responsive in any way to any portion of a data request, please so indicate. In addition, please identify the person who determined that no such “document” exists.**
- 6. If requested data is duplicative of that furnished in response to another data request, please identify the response wherein the information is contained.**
- 7. If you find a request to be unclear or imprecise, please request clarification, by telephone, to the Staff member who forwarded these requests as soon as possible.**

DM 05-172

**Utility Relationships with Governmental Entities and their Subcontractors**

**Topic 3 Round 4 Questions – Revised DRs 4-4 and 4-5**

The term licensing in this context refers to the licensing of poles in the public right-of-way by municipal or state authorities.

4-4

TO Electrics, Verizon, municipalities & NHDOT:

Please describe the process by which a municipality or the State of New Hampshire Department of Transportation (NHDOT) obtains the right to attach to utility poles and/or occupy conduit space in order to build an intra-government network for government use only. For example, is a Pole Attachment or Conduit Occupancy Agreement typically executed with the owner or joint owners of the poles and conduit? Are such agreements ever executed by municipalities or the NHDOT? If so, when?

Does the municipality or NHDOT typically apply for a license and pay related fees, such as engineering survey fees, make-ready costs, and prevailing pole attachment and/or conduit occupancy fees? Would a municipality or NHDOT ever apply for a license or pay such fees? Please identify any such instances.

Please explain your answers fully and provide the basis for the process typically undertaken, including, where appropriate, a citation to the rule, tariff, ordinance or statute that supports your assertion.

4-5

TO Electrics, Verizon, municipalities & NHDOT:

Please describe the process by which a municipality or the State of New Hampshire Department of Transportation obtains the right to attach to utility poles and/or occupy conduit space in order to offer competitive services for use by the general public. For example, is a Pole Attachment or Conduit Occupancy Agreement typically executed with the owner or joint owners of the poles and conduit? Are such agreements ever executed by municipalities or the NHDOT? If so, when?

Does the municipality or NHDOT typically apply for a license and pay related fees, such as engineering survey fees, make-ready costs and prevailing pole attachment and/or conduit occupancy fees? Would a municipality or NHDOT ever apply for a license or pay such fees? Please identify any such instances.

Please explain your answers fully and provide the basis for the process typically undertaken, including, where appropriate, a citation to the rule, tariff, ordinance or statute that supports your assertion.